

ORIGINAL
GENE E. PHILLIPS,

Plaintiff,

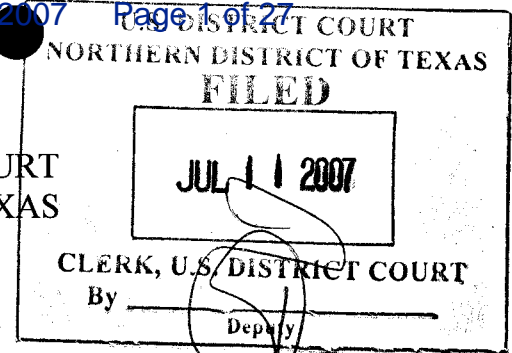
v.

GOOGLE INC.,

Defendant.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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3-07 CV 1236-B

C.A. No. DS013119

NOTICE OF REMOVAL

Defendant Google Inc. ("Google"), for the purpose only of removing this cause to the United States District Court for the Northern District of Texas, Dallas Division, states:

1. **State Court Action.** On June 4, 2007, Plaintiff Gene E. Phillips ("Phillips") filed suit against Google in the 14th Judicial District Court of Dallas County, Texas ("State Court"), where it was numbered 07-05228-A.

2. **Federal Jurisdiction.** This action is removable under 28 U.S.C. § 1441. Phillips was a citizen of Texas at the time this action was filed and remains a citizen of Texas as of the date of this removal. Google is a Delaware corporation with its principal place of business in Mountain View, California. Google was therefore a citizen of Delaware and California for removal purposes at the time this action was filed and remains a citizen of Delaware and California as of the date of this removal. Phillips

possesses or is involved in numerous business interests. *See, e.g., Gibbs v. Professional Investors Ins. Group, Inc.*, 2006 WL 722211 (D. 2006); *American Realty Trust, Inc.*, Civil Action No. 00-CV-1801-G, in the United States District Court for the Northern District of Texas; *Transcontinental Realty Investors, Inc. v. Gotham Partners, L.P.*, 218 F.Supp.2d 415 (S.D.N.Y. 2002); *Johnstone v. First Bank Nat. Ass'n*, 1998 WL 565193 (N.D.Ill.1998).¹ The Plaintiff's Original Petition seeks damages for libel, false light, and tortious interference with Phillips' existing and prospective business relationships. Petition at 4-5. The damages sought include actual damages, special damages, and consequential damages, including alleged lost profits. *Id.* Phillips also seeks punitive damages in an amount up to three times the amount of his alleged actual damages. *See* Petition at 6. Finally, Phillips seeks to recover his attorneys' fees incurred herein. *Id.* Thus, the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. Therefore, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1446, as this action was pending in a state court within this district and division.

3. **Removal is Timely.** Citation was served on Google on June 11, 2007. As such, removal is timely under 28 U.S.C. § 1446(b).

4. **State Court Documents Attached.** Pursuant to the Local Rules of the United States District Court for the Northern District of Texas, an Index of State Court Filed Documents, marked Exhibit A, together with copies of the State Court docket sheet

¹ Google moves the Court to take judicial notice of the matters filed in the cases cited herein.

and all documents filed in the State Court, are tabbed and attached to this Notice of Removal.

5. **Relief Requested.** Google respectfully requests that the United States District Court for the Northern District of Texas, Dallas Division, accept this notice of removal, assume jurisdiction of this cause and issue all orders and processes necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

FIGARI & DAVENPORT, L.L.P.

By: 

A. Erin Dwyer

State Bar No. 06302700

Parker D. Young

State Bar No. 22204050

3400 Bank of America Plaza

901 Main Street

Dallas, Texas 75202

TEL: 214-939-2000

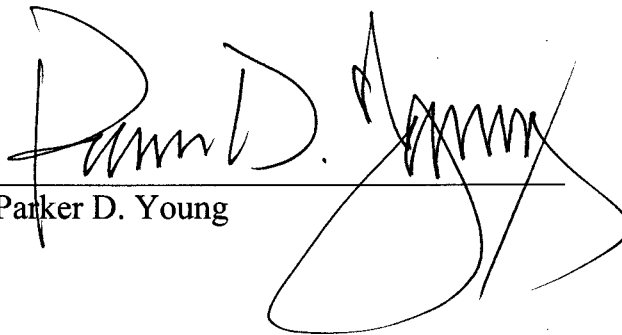
FAX: 214-939-2090

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

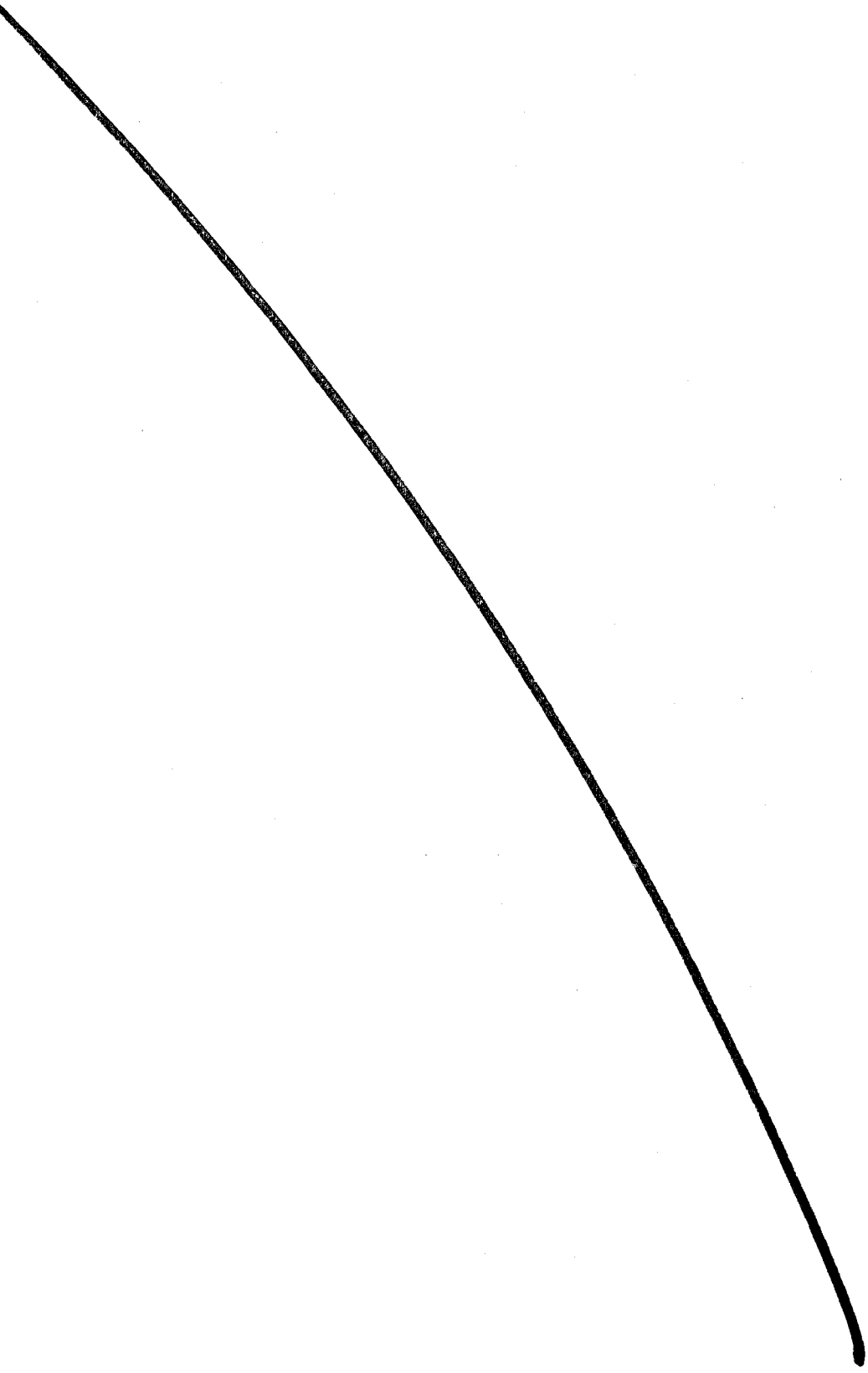
This is to certify that on this 11th day of July, 2007, a true and correct copy of the foregoing document has been served via certified mail, return receipt requested, to:

Lawrence J. Friedman
Friedman & Feiger, L.L.P.
5301 Spring Valley Road
Suite 200
Dallas, TX 75240



Parker D. Young

A



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GENE E. PHILLIPS,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

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C.A. No. _____

DEFENDANT'S INDEX OF STATE COURT MATTERS

Defendant, in connection with the removal of this case to the United States District Court for the Northern District of Texas, Dallas Division, files its index of state court matters, as follows:

	<u>State Court Document</u>	<u>Date Filed</u>
1.	Plaintiff's Original Petition	06/04/07
2.	Citation (w/return)	06/27/07
3.	Certified Copy of Docket Sheet	07/11/07

Respectfully submitted,

FIGARI & DAVENPORT, L.L.P.

By: 

A. Erin Dwyer
State Bar No. 06302700
Parker D. Young
State Bar No. 22204050

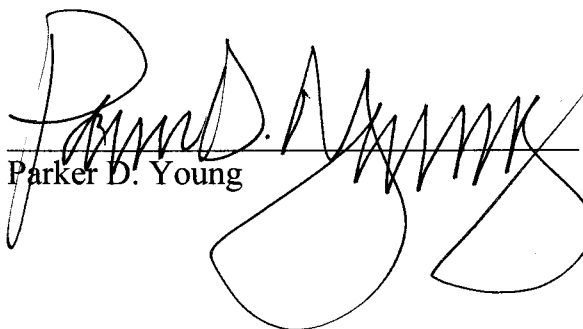
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202
TEL: 214/939-2000
FAX: 214/939-2090

ATTORNEYS FOR DEFENDANT
GOOGLE INC.

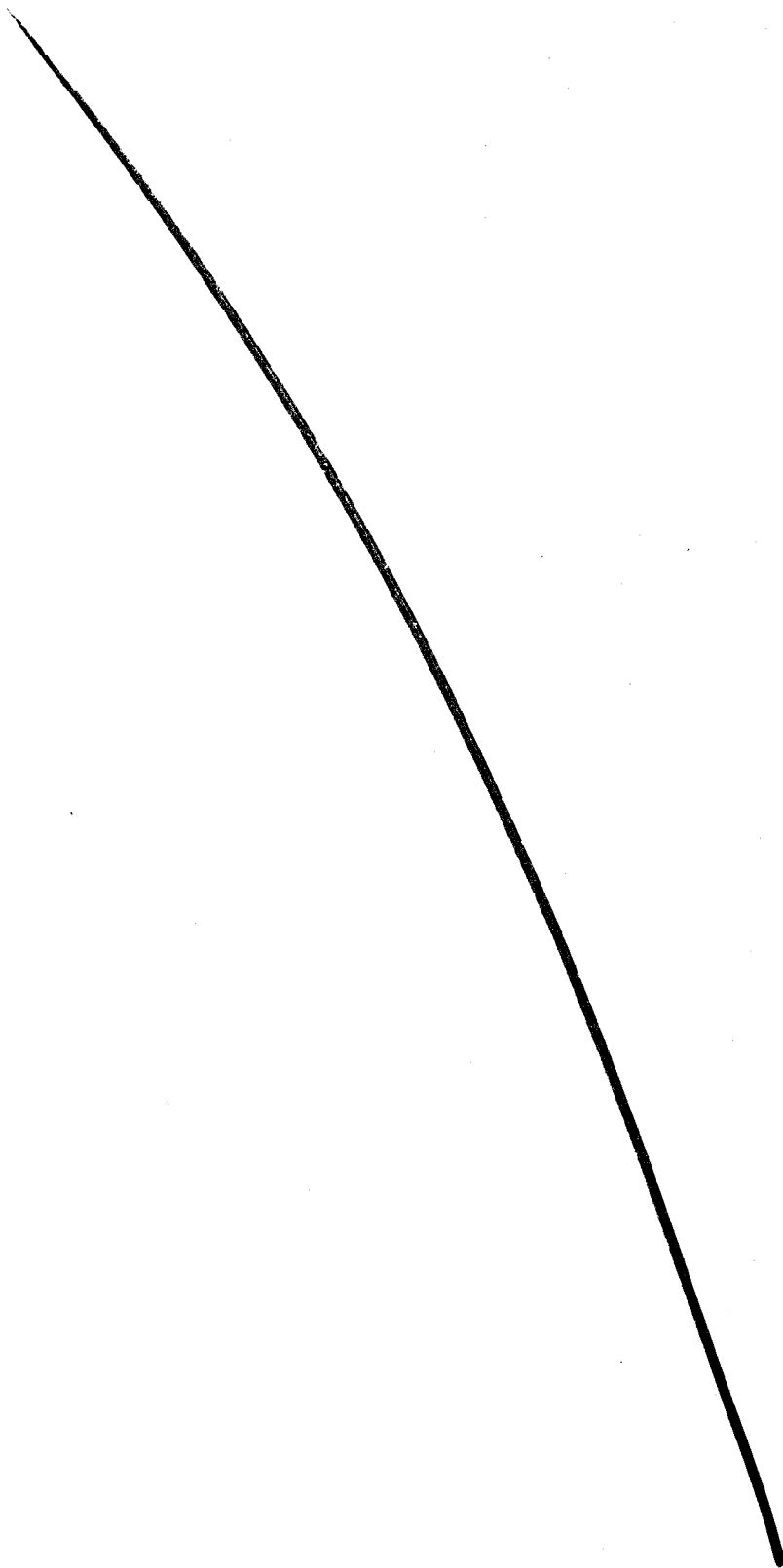
CERTIFICATE OF SERVICE

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Lawrence J. Friedman
Friedman & Feiger, L.L.P.
5301 Spring Valley Road
Suite 200
Dallas, TX 75240


Parker D. Young

1



ORIGINALCAUSE NO. 070522G-A**FILED**

GENE E. PHILLIPS,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

IN THE DISTRICT COURT

A-14th

JUDICIAL DISTRICT DEPUTY

OF DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW Gene E. Phillips ("Phillips" or "Plaintiff") and files this his Plaintiff's Original Petition complaining of Google Inc. ("Google" or "Defendant") and, for cause, would respectfully show unto the Court the following:

I. DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.

II. PARTIES

2. Plaintiff Gene E. Phillips is an individual residing in Dallas County, Texas.

3. Defendant Google Inc. is a foreign corporation organized and existing under the laws of the State of Delaware, whose principal office is located at 1600 Ampitheatre Parkway, Mountain View, California 94043, is authorized to do business in Texas, and may be served with process by serving its registered agent for service of process Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

III. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction on the ground that the amount sued for exceeds the jurisdictional minimum of this Court.

5. Venue is appropriate in Dallas County, Texas, pursuant to Section 15.017 of the Texas Civil Practice and Remedies Code, because a suit for damages for libel must be brought either in the county in which Plaintiff resided at the time of the accrual of the cause of action, or in the county in which the Defendant resided at the time of filing suit, or in the county of the residence of Defendants, or any of them, or the domicile of any corporate defendant, at the election of the Plaintiff.

IV. FACTUAL BACKGROUND

6. On the Google Internet website, Google has repeatedly published numerous false, misleading and defamatory statements regarding Mr. Phillips, including the republication of newspaper, magazine and other articles about Mr. Phillips. Within these items published by Google's website, numerous false and inaccurate statements are made. These statements regarding Mr. Phillips are inaccurate, defamatory, place Mr. Phillips in a false light, and tortiously interfere with Mr. Phillips' existing and prospective business relationships.

7. These defamatory matters include, but are not limited to, a June 29, 2001, Dallas Business Journal ("DBJ") article entitled "Survivor: If you thought Gene Phillips' bust last year on fraud, conspiracy and racketeering charges brought his Dallas-Fort Worth real estate activities to a halt, you're wrong." (the "DBJ Article") (www.bizjournals.com/dallas/stories/2001/07/02/story1.html). By providing a link to the DBJ Article in Google's search results, Google has published false, misleading, disparaging, and

damaging statements about Phillips and his former company, Basic Capital Management, Inc. ("BCM"), which are purposefully calculated to mislead the public about BCM and Phillips and portray BCM and Phillips in a highly offensive false light. The DBJ Article falsely implies that Phillips knowingly participated in organized crime activities when Mr. Phillips was completely exonerated and found not guilty of all of the charges brought against him.

8. These false allegations are repeated by implication and innuendo in another item, "A Round Up Of The Usual Suspects," by John William Tuohy. (www.americanmafia.com/Feature_Articles_51.html) This item also falsely suggests wrongdoing by Mr. Phillips in connection with Southmark Corporation, which is the basis for suggesting that Mr. Phillips is one of the "usual" suspects.

9. Another such item is titled, "The Junk Bond Daisy Chain Fraud, Starring Leonard Y. Millman, Larry Mizel, Charlie Keating, Gene Phillips, and the Bush Crime Family." (www.stewwebb.com/Junk%20Bond%20Daisy%20Chain%20Fraud%20by%20Stew%20Webb.html) This item falsely alleges that Mr. Phillips engaged in financial transactions with the purpose of creating and substantiating fraudulent financial statements. This item also contends involvement in these allegedly fraudulent transactions by George Bush, Sr., the former President of the United States.

10. These are but a few of the many false and misleading statements that appear throughout the Google search engine and, as published, bring Mr. Phillips into disrepute. In fact, these publications have had the effect of injuring the name and reputation of Mr. Phillips, and place him in a highly offensive false light.

11. As a result of the Defendant's wrongful conduct, Plaintiff has incurred

damages that are continuing and increasing. Therefore, Plaintiff is entitled to recovery of compensatory damages, resulting from the wrongful acts of the Defendant, as well as punitive damages and attorneys' fees.

V. CAUSES OF ACTION

A. LIBEL

12. Plaintiff incorporates by reference all paragraphs above as if set forth verbatim herein.

13. Defendant published articles about the Plaintiff through its Internet online search engine in which Defendant republishes various statements regarding Plaintiff that are patently false or entirely misleading.

14. The Defendant's false statements regarding the Plaintiff were injurious to Plaintiff's name and reputation.

15. Many of the defamatory statements about Plaintiff were made by the Defendant maliciously or negligently as to their truthfulness, and amounted to libel.

16. The libelous actions of the Defendant have proximately caused actual, consequential, and special damages to Plaintiff in an amount in excess of the jurisdictional limitations of this Court. Plaintiff now seeks recovery of these damages, together with interest, costs, and attorneys' fees.

B. FALSE LIGHT

17. Plaintiff incorporates and realleges the allegations set forth above.

18. Defendant nationally publishes articles about the Plaintiff through its Internet online search engine in which Defendant republishes various false statements regarding Plaintiff that place Plaintiff in a false light before the public that would be offensive to a

reasonable person. In doing so, Defendant has acted with actual malice.

19. The actions of the Defendant have proximately caused actual, consequential, and special damages to Plaintiff in an amount in excess of the jurisdictional limitations of this Court. Plaintiff now seeks recovery of these damages, together with interest, costs, and attorneys' fees.

C. TORTIOUS INTERFERENCE WITH EXISTING AND PROSPECTIVE BUSINESS RELATIONSHIPS

20. Plaintiff incorporates and realleges the allegations set forth above.

21. Plaintiff had contracts and existing business relationships and Defendants, by their conduct described above, acted willfully and intentionally, without just cause or excuse, in a way that interfered with such business relations. Further, the Defendant's conduct failed to comport with the standards of fair play.

22. In addition, Plaintiff had contracts and prospective business relationships and Defendant, by its conduct, has acted willfully and intentionally, without just cause or excuse, in a way which interfered with such business relations. Further, the Defendant's conduct failed to comport with the standards of fair play.

23. As a result of the Defendant's tortious interference, Plaintiffs has lost business and financial opportunities. Accordingly, Plaintiff requests that this Court enter judgment against the Defendant for the amount of his actual damages, consequential, and special damages, including lost profits, in an amount within the jurisdictional limits of this Court.

24. By their actions, Defendant intentionally interfered with Plaintiff's ability to run his businesses, and did so in bad faith and with no legal justification. As a result of the Defendant's willful and deceitful actions, Plaintiff seeks recovery of exemplary damages.

D. PUNITIVE DAMAGES

25. Plaintiff incorporates by reference all paragraphs above as if set forth verbatim herein.

26. The wrong done by Defendant was aggravated by the kind of actual malice or recklessness for which the law allows the imposition of exemplary damages. Plaintiff, therefore, seeks exemplary damages in the amount of up to three times Plaintiff's actual damages.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that he be granted judgment as requested herein and recover all costs, as well as reasonable and necessary attorneys' fees, together with all other and further relief, both at law and in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

FRIEDMAN & FEIGER, L.L.P.

By: 

Lawrence J. Friedman
State Bar No. 07469300
Carter Boisvert
State Bar No. 24045519

5301 Spring Valley Road, Suite 200
Dallas, Texas 75240
(972) 788-1400 (Telephone)
(972) 788-2667 (Telecopier)

ATTORNEYS FOR PLAINTIFF
GENE E. PHILLIPS

FRIEDMAN & FEIGER
ATTORNEYS AT LAW

Mark Colson

Margaret H. Apgar
Eugene Y. Barash ****
Carter Boisvert
Gary E. Day
LeAnn W. Diamond *
Michael D. Donohue
Robert E. Feiger
Lawrence J. Friedman
Michael L. Gaubert

June 4, 2007

FILED
2007 JUN -4
GARY FITZSIMMONS
DISTRICT CLERK
DALLAS COUNTY
Bart E. Higgins ***
Melissa R. Kingston
James Robert Krause
Ernest Leonard
Ryan K. Lurich
Joy H. Phillips
Marla S. Pittman **
Steven R. Shaver
R. Brian Shields
Writer's Direct Dial:
(972) 450-7319

Mr. Gary Fitzsimmons
Dallas County District Clerk
George L. Allen, Sr. Courts Bldg.
600 Commerce Street
Dallas, Texas 75202

Re: *Gene E. Phillips v. Google Inc.*, filed in the Judicial District Court of
Dallas County, Texas.

Dear Mr. Fitzsimmons:

I am enclosing for filing the original and three (3) copies of Plaintiff's
Original Petition. Also, enclosed is our firm's check in the amount of \$225.00 for
payment of the filing fee.

Please have the Citation issued and our courier will pick it up. Also,
please return the file-marked copies to our waiting courier.

Thank you for your assistance in this matter.

Sincerely,



Carter Boisvert

CB/sw
Enclosures

FRIEDMAN & FEIGER, L.L.P.

5301 Spring Valley Road, Suite 200 • Dallas, Texas 75254 • Tel 972-788-1400 • Fax 972-788-2667

Internet Address: www.fflawoffice.com

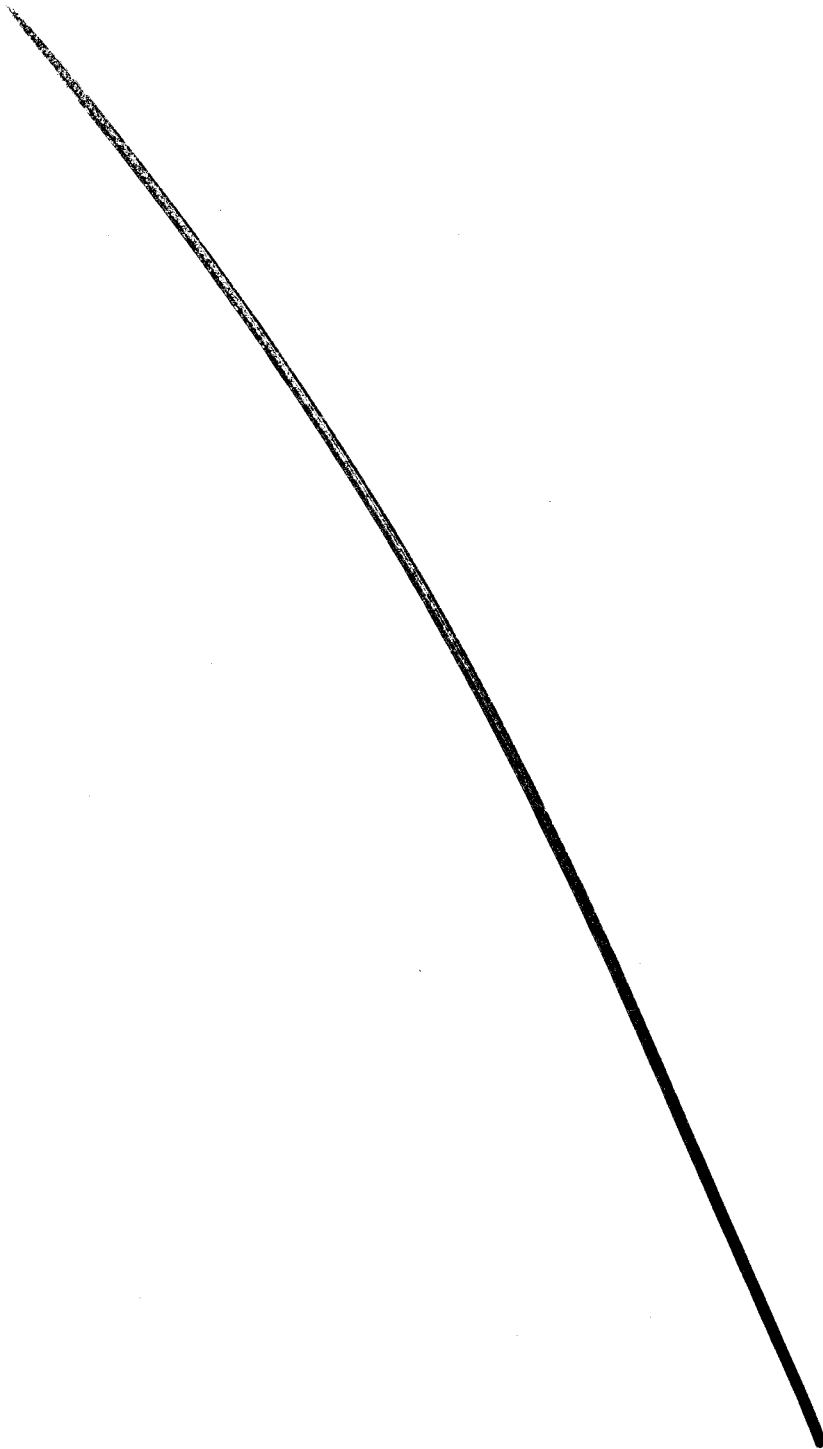
* Board Certified-Civil Trial Law-Texas Board of Legal Specialization

** Board Certified-Personal Injury Trial Law-Texas Board of Legal Specialization

*** Licensed in Virginia, Illinois and Washington D.C

**** Licensed in Illinois

2



FORM NO. 353-3 - CITATION
THE STATE OF TEXAS

FILED

2007 JUN 27 PM 12:33

To: **GOOGLE INC**
BY SERVING ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY DBA
CSC - LAWYERS INCORPORATING SERVICE COMPANY
701 BRAZOS STREET, SUITE 1050
AUSTIN, TX 78701

GARY FITZSIMMONS
DISTRICT CLERK
DALLAS COUNTY, TEXAS

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **ORIGINAL** petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 14th District Court at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **GENE E PHILLIPS**

Filed in said Court on this the 4th day of June, 2007 against

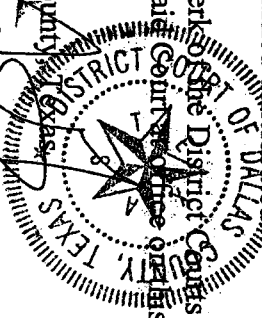
GOOGLE INC

For suit, said suit being numbered **DC-07-05228-A**, the nature of which demand is as follows:
Suit On DEFAMATION etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: **GARY FITZSIMMONS**, Clerk of the District Courts of Dallas, County Texas.
Given under my name and the Seal of said Court on this 4th day of June, 2007

ATTEST: **GARY FITZSIMMONS**
Clerk of the District Courts of Dallas, County Texas

By  **JO ANN GARDNER**, Deputy



ATTY

CITATION

No.: **DC-07-05228-A**

GENE E PHILLIPS

vs.

GOOGLE INC

ISSUED

on this the 4th day of June, 2007

GARY FITZSIMMONS

Clerk District Courts,
Dallas County, Texas

By **JO ANN GARDNER**, Deputy

Attorney for Plaintiff

CARTER BOISVERT

5301 SPRING VALLEY ROAD

SUITE 200

DALLAS, TX 75240

972/788-1400

DALLAS COUNTY CONSTABLE

FEES PAID **FEES NOT PAID**

OFFICER'S RETURN

Came to hand on the 09th day of June, 2007, at 9:00 o'clock A.M. Executed
at _____, within the County of _____, by delivering to the within
named _____, 20_____,

_____ach, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.
The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____
For mileage \$ _____
For Notary \$ _____
By _____ Deputy _____
of _____ County, _____

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

Affidavit of Service
Cause No: DC-07-05228-A

Came to hand on the **9th** day of **June 2007** at **9:00am**
Cause No. **DC-07-05228-A**
Executed at **701 Brazo Street, Suite 1050, Austin, Texas 78701**
With in the County of **Travis** at **11:18** o'clock **a.m.** on **11th** day of **June**,
2007 by delivering to the within named:

Google Inc., by delivering to its Registered
Agent: Corporation Service CompanyD/B/A CSC-Lawyers Incorporation
Service Company, by delivering to its designated agent: CHRIS HORNSBY

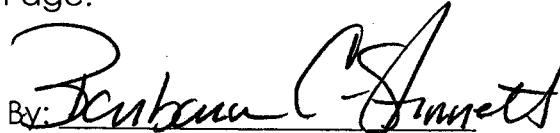
In person, a true copy of this **CITATION TOGETHER WITH PLAINTIFF'S**
ORIGINAL PETITION, having first attached such copy of such Citation to
such copy of the Petition, and endorsed thereon, the date of delivery.

I am not a party to or interested in the outcome of the suit
referenced above. I am authorized by written order to serve citation and
other notices. I am not less than (18) years of age.

Gene E. Phillips

vs

Google Inc.

By: 

Barbara C. Stinnett
SCH000001181
(Authorized Person)

VERIFICATION

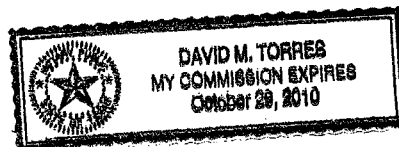
STATE OF TEXAS

COUNTY OF TRAVIS

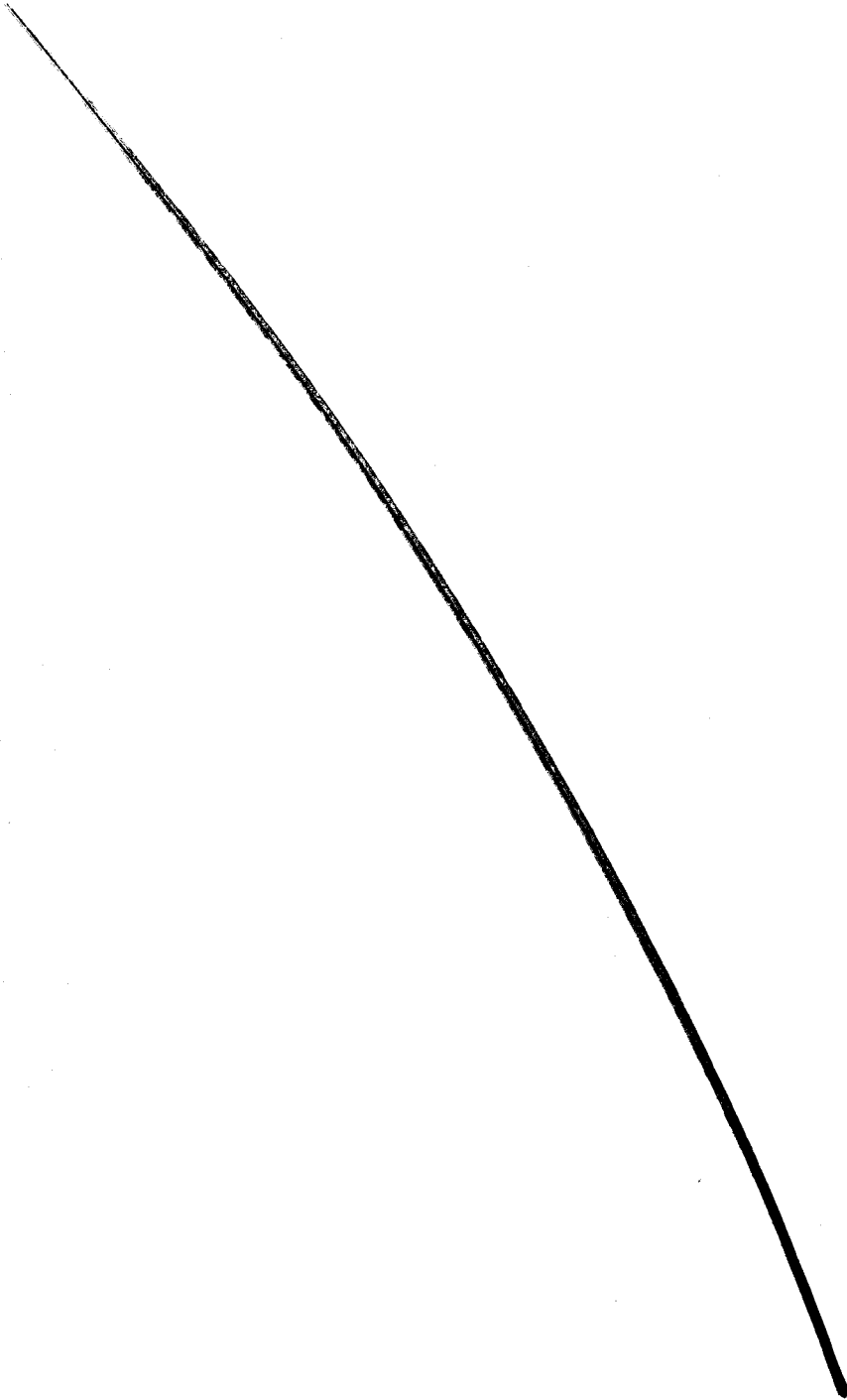
BEFORE ME, A NOTARY PUBLIC, on this day personally appeared
Barbara C. Stinnett, know to me the person whose name is subscribed to
the foregoing document and, being my first duly sworn, declared that the
statements therein contained are true and correct. Given under my hand
and seal of office, this **18** day of **June**, A. D., 2007

FILED
2007 JUN 27 PM 12:32
DALLAS CO. CLERK
GARLAND COUNTY

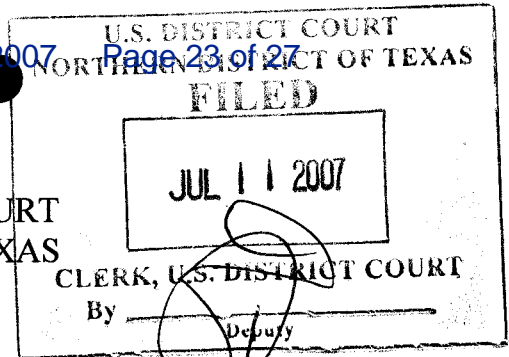

NOTARY PUBLIC, STATE OF TEXAS



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ORIGINAL

GENE E. PHILLIPS,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

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3-07 CV 1236-B

CIVIL ACTION NO. _____

SUPPLEMENTAL CIVIL COVER SHEET FOR A REMOVED CASE

THIS FORM MUST BE ATTACHED TO THE CIVIL COVER SHEET AT THE TIME
THE CASE IS FILED IN THE UNITED STATES DISTRICT CLERK'S OFFICE.

ADDITIONAL SHEETS MAY BE USED AS NECESSARY

1. **STYLE OF THE CASE:**

Please include all Plaintiffs, Defendants, Intervenors, Counterclaims, Crossclaims and Third-Party Claims still remaining in the case and indicate their party type. Also please list the attorney(s) of record for each party named, and include the attorney's bar number, firm name, correct mailing address, and phone number including area code.)

PARTY AND PARTY TYPE

ATTORNEY(S)

Plaintiff:

Gene E. Phillips

Lawrence J. Friedman
Friedman & Feiger, L.L.P.
5301 Spring Valley Road
Suite 200
Dallas, TX 75240
(972) 788-1400

Defendant:

Google Inc.

A. Erin Dwyer
Parker D. Young
Figari & Davenport, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202
(214) 939-2000

2. JURY DEMAND:

Was Jury Demand made in State Court? ____ Yes X No

If "Yes," by which party and on what date?

_____	_____
PARTY	DATE

3. ANSWER:

Was an Answer made in State Court? ____ Yes X No

4. UNSERVED PARTIES:

The following parties have not been served at the time this case was removed:

<u>PARTY</u>	<u>REASON(S) FOR NO SERVICE</u>
NONE.	

5. NONSUITED, DISMISSED OR TERMINATED PARTIES:

Please indicate any changes from the style on the state court papers and the reason for that change:

<u>PARTY</u>	<u>REASON</u>
NONE	

6. CLAIMS OF THE PARTIES:

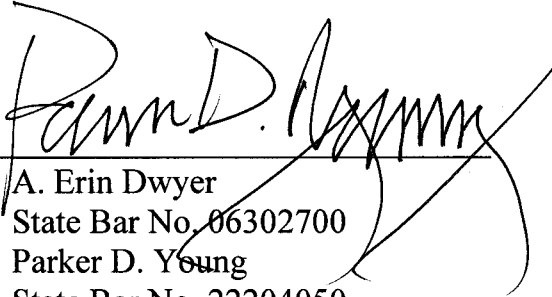
The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>PARTY</u>	<u>CLAIM(S)</u>
Plaintiff	Suit for libel, false light, and tortious interference with existing and prospective business relationships.
Defendant	None at this time.

Respectfully submitted,

FIGARI & DAVENPORT, L.L.P.

By: _____


A. Erin Dwyer
State Bar No. 06302700
Parker D. Young
State Bar No. 22204050

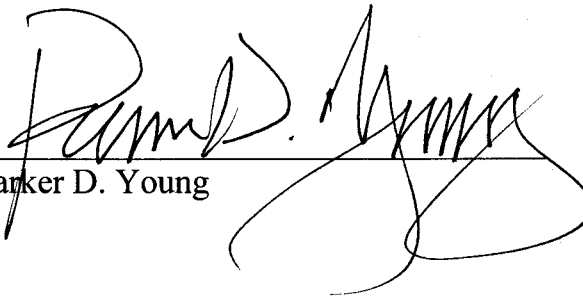
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202
TEL: 214/939-2000
FAX: 214/939-2090

ATTORNEYS FOR DEFENDANT
GOOGLE INC.

CERTIFICATE OF SERVICE

This is to certify that on this 11th day of July, 2007, a true and correct copy of the foregoing document has been served via certified mail, return receipt requested, to:

Lawrence J. Friedman
Friedman & Feiger, L.L.P.
5301 Spring Valley Road
Suite 200
Dallas, TX 75240


Parker D. Young

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

GENE E. PHILLIPS

(b) County of Residence of First Listed Plaintiff Dallas

(EXCEPT IN U.S. PLAINTIFF CASES)

ORIGINAL

(c) Attorneys (Firm Name, Address, and Telephone Number)

Lawrence J. Friedman
Friedman & Feiger, L.L.P.
5301 Spring Valley Road, Suite 200
Dallas, TX 75240
(972) 788-1400

DEFENDANTS

3-07 CV 1236-B

GOOGLE INC.

County of Residence of First Listed Defendant California

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

A. Erin Dwyer
Parker D. Young
FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202
(214) 939-2000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff And One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Law <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ref. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities-Employment <input type="checkbox"/> 446 Amer. w/Disabilities-Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §1332.

Brief description of cause:

Suit for Libel, False Light and Tortious Interference.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY: (See instructions):

JUDGE

DOCKET NUMBER

DATE 07/11/07

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____